

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JERRY LEE DARNELL**

**PLAINTIFF**

**v.**

**No. 1:15CV132-SA-JMV**

**CIRCUIT JUDGE LEE HOWARD, IV  
DISTRICT ATTORNEY FORREST ALLGOOD  
ADA MARK JACKSON  
ADA LINDSAY CLEMONS  
PUBLIC DEFENDER DONNA SMITH  
INVESTIGATOR JAMES FARIS (LOWNDES COUNTY)  
DEPUTY MARK MCGAIRTY (LOWNDES COUNTY)  
DEPUTY LARRY SWEARINGEN (LOWNDES COUNTY)**

**DEFENDANTS**

**FINAL JUDGMENT**

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The magistrate judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is ordered:

1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the instant case is **DISMISSED** for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. § 1915(g).
3. That this case is **CLOSED**.
4. That, in light of this ruling, the plaintiff's motion [15] to amend his complaint is **DENIED**.

**SO ORDERED**, this, the 3rd day of May, 2016.

/s/ Sharion Aycock  
**U.S. DISTRICT JUDGE**